

United States District Court
Northern District of New York
Civil Judgment

John Schaffer, as Trustee of the Laborers' Local
#7 Health Fund,

3:06CV245 NAM/DEP

Plaintiff(s),

v.

Palma Mancini and Silverio Mancini,
individually, and Ronald R. Benjamin, Esq., as
Trustee of a Client Trust Account,

Defendants

[X] Decision by Court. This action came to trial or hearing before the Court.
The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED, that the plaintiff's motion for summary judgment is granted; plaintiff is entitled to recover \$9,107.20 from the settlement proceeds; and the plaintiff is entitled to recover reasonable attorney's fees, costs and disbursements, and it is further,

IT IS ORDERED AND ADJUDGED, that the defendant's cross motion for relief under Fed. R. Civ. P. 56(f) is denied.

All pursuant to an Order by Chief, United States District Court Judge,
Norman A. Mordue, dated September 13, 2007.

Dated: September 18, 2007

Lawrence K. Baerman, Clerk

s/

Marie N. Marra, Deputy Clerk